



PLANNING COMMISSION STAFF REPORT MAY 11, 2006

Project: PERALTA -SUMMERHILL- (PLN2006-00133)

Proposal: A planned district minor amendment for 1. a Finding for Site Plan and Architectural Approval; 2. an interpretation of allowable building height and setbacks listed in the Centerville Specific Plan; 3. modifications for the Private Vehicle Accessways standards relating to width, curb and gutter design and pedestrian walkway. In addition, a request to consider a Vesting Tentative Map, Private Street Application, and Preliminary Grading Plan for a residential development consisting of 48 units.

Recommendation: Approve, based on the finding and subject to conditions.

Location: 4480, 4488 and 4500 Peralta Avenue in the Centerville planning area.
APNs 501 052101313, 501 052101003, 501 052101700, 501 052101600
(See aerial photo next page)

Area: 3.8-acres

People: SummerHill Homes, Applicant
Wilson Hu, Agent of Applicant
Ruggeri, Jensen, Azar, & Associates, Civil Engineer
The Dhalin Group, Architect
Van Dorn Abed Landscape Architects,
Steve Hensley, Owner
Scott Plambaeck Staff Planner (510) 494-4437;
splambaeck@ci.fremont.ca.us

Environmental Review: A Mitigated Negative Declaration was prepared and circulated for the project.

General Plan: Medium Residential, 11-15 dwelling units per acre

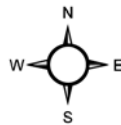
Zoning: Existing: Planned District, P-2005-73(CSPC)

EXECUTIVE SUMMARY:

The project site was recently re-designated and rezoned for multi-family residential use as part of the City-initiated Housing Element Implementation Program. The project site consists of four properties, one lot with a restaurant, and three lots containing a used car dealership. The Planned District zoning for the project site allows uses in the R-3 zoning district. The Planned District requires that all new residential uses be processed through the Site Plan and Architectural Approval process, subject to Planning Commission review and approval. The applicant has requested a Planned District minor amendment for a finding for Site Plan and Architectural Approval for 48 attached and detached townhome units. The project also includes substantial site, landscape, circulation, access, grading, and drainage improvements.



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



SURROUNDING LAND USES:	Northwest:	Industrial/commercial uses
	Southwest:	Industrial/commercial uses
	Northeast:	Multi-family development and industrial uses
	Southeast:	Multi-family residential

BACKGROUND AND PREVIOUS ACTIONS:

A City initiated General Plan Amendment and Rezoning, PLN2005-00073 redesigned the project site to Medium Residential, 11-15 dwelling units per acre and rezoned it for multi-family use in 2004. The zoning prescribed a Planned District for the site that specifies that R3 uses be allowed in the Planned District. The Planned District requires that all new residential uses be processed through Site Plan and Architectural Review by the Planning Commission. The Planned District also requires the Planning Commission make the following findings:

1. The proposed architecture is superior quality and will enhance the scenic qualities and complement the character of the area and be an attractive feature for Fremont and the Centerville Planning Area.
2. The site plan has provided for pedestrian connections to nearby features.

PROJECT DESCRIPTION:

The applicant is proposing to construct 38 detached and 10 attached townhome units on 3.8-acre site. Common private open space, landscaping, circulation, parking, and drainage improvements are also proposed. The units are designed with the front door of the units facing landscaped paseos, with rear loading garages accessed from Private Vehicle Accessways (PVAWs). The units along Peralta Boulevard will have the front doors facing Peralta.

The detached units are located on individual lots averaging about 2,000 square feet. All the units have interior yard 5-foot side yard setback and include a 5-foot side yard use easement for the adjacent property so all the detached units, have one usable side yard areas of 10 feet. The attached units share a lot and will be subdivided as condominiums. One attached unit on lot 33 and one unit on lot 37 are proposing usable side yards.

The project includes three architectural types: Bay Traditional, French, and Craftsman in both 2-story and 3-story designs. The elevations have minor variations based on the proposed floor plan. There will be five different floor plans for the detached units and two floor plans for the attached units. The project proposes a private common open space area of 7,100 square feet, which will include a tot lot. Additionally, there is private open space area adjacent to the guest parking and common private open space in the paseo areas. Landscape improvements include a 48-inch box oak tree, transplanting of three Mexican Palm trees to the landscape areas adjacent to Morgan Common, planting of additional Mexican Palms and landscaping in the paseos, private common open spaces areas. The oak tree and the transplanting of the Mexican Palm trees are required as part of the tree mitigation for the project.

Drainage improvements and swales to help improve stormwater quality and circulation and access improvements such as private streets and guest parking are include as part of the overall site design. An alternative pavement design is also included that consists of varying hardscape materials throughout the site.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Medium Density Residential 11-15 dwelling units per acre. The proposed project is consistent with the existing General Plan land use designation for the project site because the project meets the midpoint requirement of 13 dwelling units per acre. In addition, the project meets residential design and development policies of the General Plan. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Housing Goal 1: Conservation and enhancement of existing residential neighborhoods.

Analysis: The project conforms to this goal by providing additional housing in a neighborhood transitioning from commercial and industrial uses to residential uses.

Housing Goal 2: High quality and well-designed new housing of all types throughout the City.

Analysis: The project is a well-designed project with a well-planned circulation, a site design that provides privacy for residents, generous landscaping and open space areas and quality architecture.

Land Use Policy 1.1: Residential as the primary use allowed in residentially designated areas. The type of residential use depends on the permitted density and other criteria to protect neighborhood character.

Analysis: The project conforms to this policy because residential is the primary use for the project site, the project meets the density requirements of the General Plan, and the project design protects and enhances the neighborhood character, by replacing commercial uses with a residential project.

Land Use Policy 1.11: Appropriate transitions shall be encouraged between higher density residential areas and lower density areas, and between commercial areas and lower density areas. Transition between higher density residential areas and lower density areas. Transitions can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques.

Analysis: The project site is adjacent to commercial uses southwest of Jansen Terrace. The project proposes a 4-foot sidewalk and 6 to 11.5-foot landscape buffer between the commercial uses and Jansen Terrace and thus conforms by helping to complete a new residential neighborhood, providing streetscape improvements and appropriate open space for the new homes.

Land Use Policy 1.17: Where open space has been considered as an element in the design of a residential development project, further development or encroachment on the open space by new buildings shall be strongly discouraged. Where feasible, project open space shall be permanently restricted to open space through deed restriction or other appropriate means.

Analysis: The project conforms because approximately 18,290 square feet of open space will be deeded to the homeowners association and additional landscape areas will be maintained by the HOA through a landscape easement. The conditions of approval of the Planned District will require the open

space remain as open space and the easements in the landscape areas will be required to maintained by the HOA and these areas will not be permitted to be deeded to future home owners.

Land Use Policy 1.22: Multi-family housing units shall be developed with consideration given to the relationship to adjacent development. Particular attention should be given to the style of roofs, with flat roofs discouraged except where they are usable outdoor space.

Analysis: The project is designed with consideration to adjacent multifamily development in the area. The project does not propose flat roofs, but instead proposes a combination of gable, cross gable, and hip roofs.

Land Use Policy 1.23: A variety of unit types and sizes shall be encouraged within each multi-family project in size.

Analysis: The project proposes three elevations and seven floor plans ranging from 1331 to 2029 square feet.

Land Use Policy 1.24: Multi-family housing (with the exception of housing designed exclusively for seniors) shall be designed to accommodate the needs of families and children.

Analysis: The project proposes a generous private common open space area with a tot lot and most of the units will be provided with private open space adjacent to the units for use by families and children.

Centerville Specific Plan Conformance:

The proposed project is located within subarea 7 of the Centerville Specific Plan. Subarea 7 calls for residential development of 11-15 dwelling units per acre. The proposed project meets the land use requirements of the Centerville Specific Plan because it is a residential use of 13 dwelling units per acre.

The Centerville Specific Plan requires developers to submit a conceptual parcelization and access plan for the entire block in sufficient detail to determine whether the proposed plan will allow eventual development and acceptable access for the remaining property on the block. The Centerville Specific Plan requires that the Community Development Director approve the parcelization plan, prior to an applicant being allowed to proceed with processing of a development application. The Community Development Director approved the parcelization plan for the residentially zoned property northeast of the site. The parcelization showed the extension of the project to Dusterberry Way. The parcelization plan will be available for review the night of the Planning Commission meeting.

The Centerville Specific Plan provides yard setbacks for residential development in the plan area. In addition, the Centerville Specific Plan states than “no principal structure shall exceed 30 feet in height above grade.” The project does not meet the yard setbacks or the height requirements of the Centerville Plan.

However, the Residential Development section of the Centerville Specific Plan declares “Many types of housing may meet the intent and specifications of the guidelines that follow. Other housing

prototypes that meet the vision and intent of the guidelines are encouraged.” One of these units type is the “Neo-Traditional Row House with Garage Tucked Underneath Unit with Garage Access from Common Alley.” The plan states that access to the garage and front door is similar to townhouse or single-family detached dwelling. The private open space may be front yard patio, rear balcony or roof terrace. Common open space shall also be provided. The illustrations provide shows the layout of the type of project with rear common alleys with no setback and units that are three-stories, taller than the 30-foot height limit. See illustrations below.

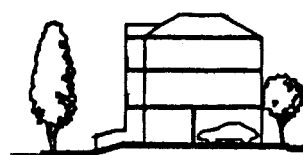
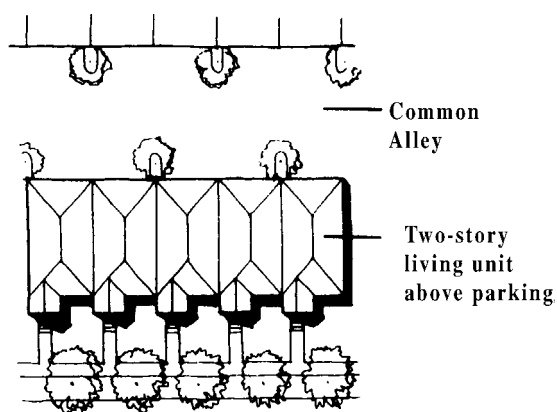


Diagram E-13: Neo-Transitional Row House with Garage tucked underneath unit with garage access from alley.

Staff believes that the setbacks provided are intended for single-family development, not multi-family development. In order to meet the density requirements of the General Plan and the Centerville Specific Plan, non-single family units will be required and the above setbacks listed above are impractical for multi-family development. In addition, the Centerville Plan *encourages* unit types that could not meet the setback requirements of the Centerville Plan. The project provides garage access from a common alley (PVAW), with the garages tucked underneath the unit with private open space provided by a combination of side yards, front yard patios, and balcony's, and three story units as shown in the illustration. Staff recommends that the Planning Commission find that the proposed project meets the intentions of the Centerville Specific Plan.

Community Design Guidelines

The Centerville Specific Plan provides community guidelines for projects within subareas 5, 7, and 11. The project is within subarea 7, therefore staff followed the guidelines provided in the Centerville Specific Plan to analyze the site design and building design of the project.

Building Orientation

The Centerville Specific Plan states that buildings should be oriented to the street with:

- Front doors facing the street.
- Front porches or stoops used reflect the rhythm of a single-family residential area.
- Front yards to provide a transition space between the public sidewalk and private porch.
- Parking should generally be underground or in the rear to avoid garage door facades.

Analysis: Eleven of the units face Peralta Avenue. The front elevation of the units have front doors that face the street; some of the units have porches and decks. The units provide a small fenced front yard with a path that leads from the units to the public sidewalk. The garages are located on the rear of the unit, accessed via PVAWs. Staff finds that the building orientations meet the requirements of the Centerville Specific Plan.

Building Form, Scale, and Material

The Centerville Specific Plan lists the following guidelines regarding building form, scale, and material:

- In order to convey residential scale, bay windows, chimney, and other residential architectural elements shall be used.
- Building massing should be articulated with porches, bay windows, and balconies to reflect the residential uses. In no case shall the street façade of a building consist of an unarticulated blank wall or unbroken series of garage doors.
- Variation in building facades should be achieved, in part, by using a variety of materials along each street, including ornamental plaster, wood siding, stone, or brick.
- High quality materials should be used. Simulated, metal, pre-fabricated and non-durable materials are strongly discouraged.
- Roofs should be a combination of hip or gables and vary from lot to lot. Flat roofs are not allowed. Visible roof materials shall be slate, tile, copper, or similar high quality material. Composition roof material is discouraged.

Analysis: The front elevation of the units are designed to emphasize the residential scale of the project by providing front porches, balconies, front yards, and feature window. The project proposes windows are articulated with either shutters or wood trim. A variety of materials are used for all sides of the buildings including stucco, wood siding, wood guardrails, wood corbels, and brick veneer at the base of some of the buildings. In addition, materials used on the front of buildings of the buildings wrap around to the sides of the buildings, which adds articulation to the sides and avoids large blank walls. The project proposes three distinct elevations, which provide a variations of building facades throughout the project. The proposed material is quality material and simulated, metal, and pre-fabricated and non-durable materials are avoided. The applicant will work with staff on the final design of the garage doors.

The project proposes a variety of roof types including gable and hip, which will vary from lot to lot. The type of roof and its pitch varies from building elevation to elevation. The proposed material includes flat concrete tile and high quality composition roof based on the architectural style. Staff finds that the project meets the building form, scale, and material guidelines of the Centerville Specific Plan.

Zoning Regulations:

The zoning for the project site is Planned District, P-2005-73(CSPC). The Planned District requires that the proposed development meet the R-3-15 standards and that Planning Commission review the

project through Site Plan and Architectural Review. The following discussion describes how the project conforms, or varies from, the R-3 district standards.

R-3-15 Zoning Lot and Siting Standards		Project Proposes
Maximum Building Height	52 feet	24' to 30' as measured to midpoint of roof. Project meets requirement.
Minimum Lot Size	6,000 square feet (SF) except for townhouses	Not applicable
Minimum Lot Width	60 feet except for townhouses	Not applicable
Street Frontage	35 feet except for townhouses	Not applicable
Front and Street Side Setback	20 feet except for townhouses	Front setback along Peralta varies from 9.9 to 13.5 feet. Street side setbacks vary from 8 feet to 11.5 feet. See report for discussion
Interior Side and Rear Setbacks	10 feet except for townhouses	Not applicable, see report for discussion.
Lot Coverage	50 percent	Overall Project 57% See staff report for discussion.
Minimum Common Open Space Area	500 SF for up to 5 units, plus 50 SF for each additional unit; one dimension at least 15 feet	Meets requirements
Minimum Private Open Space Area	Balconies: Min. 60 SF, least interior dimension of 6 feet. Patios: Min. 100 SF, least interior dimension of 10 feet.	Meets requirements

Building Setback/Coverage: The R-3 zoning district states that “Minimum lot size, width, frontage requirements are not applicable to townhouse style developments, which have special lot and subdivision needs that will be reviewed on a case-by-case basis through site plan and architectural approval and the tentative map process.” The project proposes 38 detached townhomes and 10 attached townhome units. The detached townhomes will be plotted on their own lot, setback 5 feet from the property line. Almost all the detached units will have a 5-foot use easement on the adjacent lot that enables each detached unit to have 10-foot wide side yard area. Staff has included conditions that will prevent additions, accessory structures, and enlargement of openings in the side yards. The attached units will share a common lot and be subdivided as condominiums. An exclusive use easement will be recorded for the usable outdoor areas of the attached units for the benefit of the owner of the unit.

The project will have a street side yard setback adjacent to the PVAWs that range from 6 feet to 11.5 feet. For most of the units, the street side yards will be 10 feet. The street side yards adjacent to the PVAWs are landscaped and will be maintained by the Home Owners Association.

The front setbacks for the units along Peralta Avenue range from 9.9 to 13.5 feet. The R-3 zoning district encourages setback of less than 20 feet from the front or street side setback if the reduction of setback fosters a desirable pedestrian-oriented environment or neighborhood setting for the area. Staff finds the proposed units along the Peralta provide front doors, patios, walkways, and other architectural elements that foster a pedestrian-oriented environment for the neighborhood and therefore support the proposed slightly reduced setbacks along Peralta Avenue. The project proposes a variety of setbacks along the paseo to provide visual interest along the paseos.

Along the PVAWs, some architectural features will project 18-inches over the property line. However, this is permitted if a no build easement is recorded. The project proposes a no build easement and will be required to leave a minimum clearance of 20 feet to accommodate fire department vehicles.

The overall lot coverage for the project is 57%. The R-3 zoning district allows lot coverage of over 50% if the project fosters a desirable pedestrian-oriented environment or neighborhood setting for the area. As described above, staff finds the project fosters a pedestrian-oriented environment and supports the increase in lot coverage for the project.

Parking:

Fremont Municipal Code 8-22003C requires two bedroom units and larger to have one covered space per unit for residents plus 0.5 uncovered spaces per unit for residents plus 0.5 uncovered space per unit designated for guest parking only. Forty-three of the units will have two vehicle covered side-by-side parking, while five of the attached units will have tandem two vehicle covered parking, thereby meeting the requirements for residential parking.

The project requires 24 guest parking spaces. The Centerville Specific Plan allows units that face onto a public street that allows parking on both sides of the street, to count the on street parking for those units. The project proposes 11 units facing Peralta Boulevard and Peralta allows parking on both sides of the street, therefore up to six on-street parking spaces can be counted as guest parking. The project will provide 18 on-site guest parking spaces. Based on the six off-site parking spaces and the 18 on-site parking spaces, the project provides the required minimum number of guest parking spaces.

Inclusionary Housing:

The applicant is required to meet the City's inclusionary zoning requirements through the provision of 15 percent of the units as Below Market Rate (BMR) units. The project will need to provide 7 BMR units. The applicant has committed to providing 7 BMR units and is working with the City's housing staff to identify the location of the BMR units within the project.

Design Analysis:

As described above, staff used the guidelines of the Centerville Specific Plan to analyze the orientation of the project, building form, scale and materials. This section will describe in more detail the site planning and layout, architecture, open space/landscaping, circulation, and grading and drainage.

Site Planning:

The project is an infill project surrounded by commercial/industrial development northeast and southwest of the project site. The project will be buffered by the uses on the south side of the project by Jansen Terrace, a landscape buffer and on the north side by a sound wall. The property to the north of the site has a land use designation of 11-15 dwelling units per acre. The Planned District allows uses in the R3 district for the lots to the north and the Centerville Specific Plan projects that the commercial/industrial land north of the site will convert to residential uses. As described earlier, the parcelization plan was approved showing Stickely Terrace and Maybeck Terrace punching through to the northeast. The overall site design of the project is designed so commercial/industrial uses from Jansen Terrace north to Dusterberry will be an integrated residential community.

The residential project across Peralta has two-story residential units, with front doors that face Peralta and PVAWs that provide access to the interior units of the project. The project proposes 11 units that face Peralta. These units provide a small front yard, with front doors, patios, balconies, and windows that face the street. Walkways lead from the public street to the front doors and patios of the units.

The interior of the project is accessed from Peralta Boulevard through a Private Street, on the south end of the project Jansen Terrace and a looping PVAW, Morgan Commons. The interior PVAWs have a landscape buffer of 6-11.5 on both sides of the PVAWs that will soften the streetscape. The garages of the units are access from PVAWs that run north-south.

The interior units' front doors are accessed through a series of paseos that link the front doors of the units to sidewalks along the PVAWs. The paseos will be landscaped and the buildings along the paseos have different setbacks to help minimize the tunnel affect along the paeseos. The interior sidewalks lead to the public sidewalk along Peralta and to the private common open space.

The Planned District requires the approving body find the site plan has provided for pedestrian connections to nearby features. As described above, staff finds the site plan provides the pedestrian access from the project units to the public right of way.

Architecture:

The project proposes three architectural types: Bay Traditional, French, and Craftsman in two-story and three-story formats. The elevations propose the same garage doors for all the units, but staff recommends that as a condition of approval each architectural type be required to provide a different garage door type. The elevations have minor variations based on the proposed floor plan. For example, floor plan 2, 5 and 6 offer first floor porches. Other plans offer second-story front balconies. Overall there are five different floor for the detached units and two floor plans for the attached units. Units range in size from 1,311 sq. ft. for the smallest attached unit to 2,029 sq. ft. for the largest detached unit.

The Bay Traditional architectural style proposes flat concrete tile, lap siding and stucco, wood trim, and wood shutters. The two-story units propose gable roofs, while the three-story units propose a combination of hip and gable roof types, and dormers. The Bay Traditional proposes windows on all four sides of the building and wraps the wood siding from the front to the side of the building to bring architectural interest to the sides of the building. In addition, the rear elevations will be provided with wood siding, and other wood elements that break up the massing of the rear elevation.

The French architectural style proposes hip roofs, composition roof material, wood corbels, wood trim around the windows and stucco siding. The side and rear elevations proposes additional windows and wood corbels similar to the wood corbels of the front elevation. The 3-story units provide additional detailing including dormers with wood trim around the windows.

The Craftsman architectural style proposes two and three-story units with stucco siding, wood columns with brick veneer finish, wood trim, and a low-pitch gable roofs with flat concrete tile roofs. Plan 1, 1(a), and 2 offer shingle siding for the front, sides, and rear elevations. While floor plans 3 and 4 are mainly stucco finishes with wood corbels. The wood corbels will be provided on the sides and rear elevations, which break up the stucco material. The rear elevations offers a variety of windows, and architectural features that pop out that provide visual interest for the rear of the building.

The Planned District requires the approving body make a finding that the proposed architecture is superior quality and will enhance the scenic qualities and complement the character of the area and be an attractive feature for Fremont and the Centerville Planning Area. As described above, staff finds that the proposed architecture is superior quality and will enhance the scenic qualities and complement the character of the area.

Open Space/Landscaping:

The project provides private common open space including a 7,100 sq. ft. area with a tot lot and landscaping. Additional private open space is provided adjacent to the guest parking and along the paseo areas. A landscape buffer area maintained by the HOA will be provided between the PVAWs and the units. Landscaping includes a 48-inch box oak, transplanting of three Mexican Palm trees to the landscape areas adjacent to Morgan Common, planting of additional Mexican Palms along Morgan Common and landscaping in the paseos, and other private common open spaces areas. The box oak tree is required mitigation for the loss of a healthy Silver Dollar Gum that cannot be saved because it is too close to units and the tree is difficult to move. The Mexican Palms were identified by the arborist report as healthy trees that should be saved, therefore the developer is moving the trees to common open space area near the entrance of Morgan Common. The project proposes to introduce additional Mexican Palms along Morgan Commons.

The project proposes a four-foot high fence between the units and the paseos. Staff recommends the fence be no higher than three feet. The HOA will maintain the landscaping in the paseos outside of the fence, the landscape buffer between the PVAWs and the units; and the private common open space areas. As described above, almost all the detached units and two of the attached units have a 10-foot side yards. Each unit with a 10-foot side yard has a 5-foot use easement on the adjacent properties. In addition, many units will have a small front yard. These yard areas will be maintained by the homeowners.

Street trees will be required along Peralta. The Centerville Specific Plan requires that conical trees be used. The City Landscape Architect recommends that the existing street trees (Privets and Bradford Pears) be removed and replaced with 24" box size 'Red Sunset' Maple. The Trees shall be installed per City Standard and are subject to review and approval by the City's Urban Landscape Supervisor.

Tract Map:

The applicant has proposed a tentative map to create 55 lots. The numbered lots will be residential lots. The attached units, lots 1, 31, 33, 37, and 43 will be condominium lots, while the other numbered lots will be individually owned lots. The lettered lots, A through L are common ownership lots for vehicle access ways, the private common open, and the paseos area. Lot F, currently has a ingress/egress easement for the adjacent property. The applicant intends to deed Lot F to the adjacent property owner.

Trip generations:

Trip generation estimates for the project were calculated to compare existing land use (restaurant and used car lot) and proposed land use (townhomes) for the parcel. Based on ITE Trip Generation Rate, the proposed project is estimated to generate 540 less vehicle weekday trips and 50 less PM peak hour trips. Peralta Boulevard has a weekday volume of 8,800 vehicles and a PM peak hour volume of 848 resulting in a weekday volume decrease of 6.2% and 5.9% for the PM peak hour. Based on the estimated net project trips, the project should not have a significant traffic impact.

Circulation:

The project is located on Peralta Boulevard, approximately 630 feet southwest of Dusterberry Way. Pedestrian access to the site is provided by the public sidewalk on Dusterberry and is provided by on-site sidewalks adjacent to the private streets, Jansen Terrace and Morgan Common. Pedestrian walkways are also provided in the paseos between the units.

Vehicular access is provided by private vehicle access ways (PVAWs), a type of private street used for condominium and townhouse developments. Two private street driveways are proposed on Dusterberry Way. The southernmost driveway, Jansen Terrace, is an existing private street that provides access to the adjacent commercial properties west of the site. The other driveway, Morgan Common, is a new private street that loops at the back of the site and connects with Jansen Terrace. Secondary PVAWs off of both Jansen Terrace and Morgan Common provide garage access to most of the units.

In 1984, City Council adopted a development policy for PVAWs. The policy sets forth principles and standards for developments that use PVAWs. As part of the Planned District application, the applicant is requesting variations from the policy. The policy and variations are discussed below.

PVAW Policy #6: All private vehicle access ways are to be a minimum of twenty-four feet wide (clear width) in those portions where no parking is allowed directly off the access way. An additional four-foot width is required on the side of the access way wherein right angle enclosed parking is provided. An additional two-foot width is required on the side of the access way wherein right angle carport or uncovered parking is provided.

Analysis: Northeast of Morgan Common, the applicant proposes reduced PVAW widths for both Maybeck Terrace and Stickley Terrace. The pavement width is proposed at twenty-two feet, instead of twenty-four feet, and the clear width between garage doors is proposed at twenty-nine feet, instead of

thirty-two feet. Due to the reduced widths, the applicant is proposing wider garage doors for those units on the narrow PVAWs. Staff supports the proposed reduction in PVAW widths because the wider garage doors permit passenger vehicles to safely enter and exit the garages.

PVAW Policy 7: Vertical concrete curbs or concrete valley gutters shall be used where storm water runoff is involved.

Analysis: The requirement for vertical curbs concrete valley gutters was implemented prior to the new storm water pollution prevention requirements. In order to implement the storm water pollution prevention plan, as proposed by the project design team, vertical curbs include openings into the bioswales. Staff supports the proposed curb and gutter design.

PVAW Policy #15: A walkway connection is to be provided from the private vehicle access ways to the main pedestrian pathway system. A 3.5 foot sidewalk shall be provided on both sides of the private vehicle access way.

Analysis: Most of the PVAWs within the development are proposed without sidewalks on either side of the streets. A few of the streets have sidewalks on one side and the units that front the public streets have front doors with pedestrian connections to the public sidewalks. One reason sidewalks are not proposed adjacent to the vehicle access way is because the building designs have pedestrian access (front door) opposite the vehicle access (garage). Because of the building design, the applicant is proposing paseos between the buildings. Staff supports the applicants proposal for sidewalks that, in some cases, are not adjacent to the vehicle access way.

Street Right-of-way and Improvements:

Peralta Boulevard Improvements: The project fronts on Peralta Boulevard, a four-lane arterial as designated by the General Plan. However, the Centerville Specific Plan calls for Peralta Boulevard (west of Fremont Boulevard) to become a two-lane collector street with a median. In accordance with the Subdivision Ordinance, "The subdivision design shall conform to the pattern of thoroughfares designated in the General Plan and to any future street rights-of-way designated by the commission and approved by the council." (FMC 8-1503)

In addition to the required median (see discussion below), the applicant shall install complete street improvements along the Peralta Boulevard project frontage. Peralta Boulevard was previously improved as a secondary arterial, with 10-foot wide commercial standard sidewalks and tree wells. The existing sidewalk is partially damaged and displaced along the project frontage. This project shall: construct new private street driveways; replace existing damaged and/or displaced sidewalk, curb, gutter, and pavement to the centerline of Peralta Boulevard; install new curb ramps at driveway crossings; remove the existing street trees and install new street trees.

The Centerville Specific Plan calls for the reconfiguration of Peralta Boulevard between Dusterberry Way and Central Avenue from four lanes to two lanes and construction of a raised median on this segment of Peralta Boulevard. In order to meet the requirements of the specific plan, the project shall construct the raised median; re-stripe the roadway to accommodate one traffic lane and a bike lane in each direction of travel on Peralta Boulevard between Dusterberry Way and Jansen Terrace. The project shall also re-stripe Peralta Boulevard between Jansen Terrace and Central Avenue to include a

two-way left turn center lane (to accommodate future raised median), one traffic lane with a bike lane (where the existing street width allows) in each direction of travel on Peralta Boulevard between Dusterberry Way and Jansen Terrace. The City will provide the applicant a conceptual plan for the construction of the raised median and re-striping plan. The developer will be responsible for the cost to design and construct the street improvements along the site's Peralta Boulevard frontage.

In 1996, the developer across the street for the Nelson/Maples development provided the City \$90,000 in cash funds for one-half median from along the frontage of the Nelson/Maples development from Jansen Terrace to Dusterberry Way. In addition, the developer provided an additional \$21,000 in deferred off-site improvements.

Staff believes that the most of the construction cost of the median between Dusterberry Way and Jansen Terrace can be covered by the \$111,000 along with the developer's share for their project frontage. Staff recommends the applicant provide the City a cost estimate for the improvements and staff will work with the applicant with regards to release of the available funds, and the amount the applicant will need to contribute. Any unused funds will be applied to a traffic circle or other traffic calming feature near the intersection of Dusterberry Way and Peralta Boulevard.

The physical improvements requested of this developer shall include a raised concrete median (with appropriate landscaping and paving materials) in Peralta Boulevard from the southwestern boundary of the project site to Dusterberry Way. The developer shall also remove the existing pavement striping and replace with new striping to accommodate bike lanes, 2 travel lanes, on-street parking, necessary 2-way left turn lanes, and striping transitions for Peralta from Dusterberry Way to Central Avenue. Staff also recommends the improvements be completed prior to the sale of the 40th unit.

Jansen Terrace: The project shall reconstruct Jansen Terrace, including portions offsite, as shown on the tentative map. The proposed private street improvements include reconstruction of the existing, failing pavement and rebuilding the gutter behind the adjacent, commercial parking stalls. Some of the off-site construction is outside of the existing access easement and the developer plans to acquire additional easement width (one-foot). The developer shall acquire the easement prior to approval of the final map. The developer agrees that City shall have no obligation to use its powers of eminent domain to acquire an interest in the Off-Site access easement, and developer and all successors in interest waive any and all rights they may assert under Government Code Section 66462.5 to require City to exercise its power of eminent domain.

Easements:

The project site contains several existing easements, which are for utility, access, and landscape maintenance purposes. Most of the existing easements are located within Jansen Terrace and are proposed to remain. The developer proposes to vacate a few of the easements, which will not be needed upon completion of the subdivision improvements. Easement vacations shall be completed prior to approval of the final map.

Alameda County Water District is requesting an easement through Lots C and F to facilitate extension of the water main, in the event that the adjacent property redevelops and requires public water service. The required easement shall be dedicated on the final map or shall be granted by separate deed, subject

to review, approval, and acceptance of the Water District. Staff is recommending that the water line within Lot C be installed by the developer and either stubbed or dry-installed and capped at both ends so as to minimize future disruption and cost to the homeowners open space area.

Grading & Drainage:

The project site is currently improved with two buildings and associated parking lots/pavement. The existing pavement elevations generally slope to the southwest, towards Jansen Terrace. The subdivision grading will consist of filling the lots for the building pads and contouring the streets, yards, and open space areas for positive drainage. The project civil engineer estimates project grading to include 2,200 cubic yards of fill and 2,500 cubic yards of cut, for a total of 4,700 cubic yards of grading. The source and truck route for the import shall be subject to review and approval of the City Engineer.

Urban Runoff Clean Water Program: The current Alameda Countywide National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Permit was issued in February 2003. The NPDES permit requires all new development to incorporate measures to prevent pollutants from being conveyed in storm water runoff and into the public storm drain system. This project is required to comply with the NPDES permit by incorporating treatment measures into the project design.

The project intends to meet the quantitative storm water treatment requirements by constructing infiltration planters, a grassy swale, and installing bioretention catch basins in the streets. The houses are designed such that the roof gutters discharge to a “bubble-up” emitter in the landscaped areas to maximize infiltration of storm water runoff. All treatment occurs by directing storm water runoff into and through the treatment measure. The provided Storm Water Treatment Plan is informational only and is not being approved as part of the tentative tract map. The storm water treatment design shall be integrated into the storm drain design for the project and shall be subject to review and approval of the City Engineer prior to final map approval.

Utility Districts:

During the Planning application process, the applicant, design team, and City staff have worked with the Union Sanitary District (USD), Alameda County Water District (ACWD), and the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Design of townhouse, condominium, and small-lot single-family developments, which utilize private streets, is challenging and requires close coordination of the site design, landscape design, and utility design.

The tentative map includes a preliminary utility plan, for informational purposes, which shows the proposed location of utility mains (water, sewer, storm), fire hydrants, meters, clean outs, and joint trench (electric, gas, communications). The landscape plan has been prepared with respect to the utility plan, such that trees and other landscape improvements are kept clear of utilities, as required by the respective utility agency. The subdivision improvement plans are subject to review, approval, and permitting by the utility agencies, prior to final map approval.

Applicable Fees:

This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, park land in lieu, capital facilities, and traffic impact. The project will receive credit for commercial development to be removed. This project is located within subarea 7 of

the Centerville Specific Plan and is subject to fees related to the cost of preparing the Centerville Specific Plan. The plan fee in this subarea is currently \$2,985 per acre of the site. Based on the project site of 3.8 acres, a fee of approximately \$11,343 will be owed prior to issuance of building permits.

Environmental Review:

An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to biological resources, hazards and hazardous materials, cultural resources and noise. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

Mitigation measures

In brief, the mitigation measures relate to removal and replacement of trees, relocating three Mexican Palm trees, the proper procedures be practiced for the sump abandonment, that all currently regulated hazardous materials facilities be properly closed, under direction from the Fremont Fire Department prior to issuance of any site grading, demolition or building permits, dust suppression measures during construction, requirements should human remains or archeological resources be found, and required noise studies for compliance with City noise standards. In addition, a Mitigation Monitoring Program is recommended for adoption in order to ensure implementation of mitigation measures.

The initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to Draft Mitigated Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 987 notices were mailed to owners and occupants of property within 1,000 feet of the site. The notices to owners and occupants were mailed on April 28. A Public Hearing Notice was published by *The Argus* on April 27.

In addition, a Notice of Preparation of a Draft Negative Declaration was published by *The Argus* on April 3, 2006.

ENCLOSURES:

<i>Exhibits:</i>	Exhibit "A"	Project Site Plan, Architectural, and Conceptual Landscape Plan
	Exhibit "B"	Private Street and Vesting Tentative Map number 7719 and Preliminary Grading Plan
	Exhibit "C"	Mitigated Negative Declaration and Mitigation Monitoring Program
	Exhibit "D"	Color and Material Sample Board

Project Condition Exhibits

Exhibit 1	Findings and Conditions for Site Plan and Architectural Approval
Exhibit 2	Findings and Conditions for Vesting Tentative Map
Exhibit 3	Findings and conditions for Preliminary Grading Plan
Exhibit 4	Findings and conditions for Private Street Application

Informational Items:

1. Initial Study
2. Letter from applicant

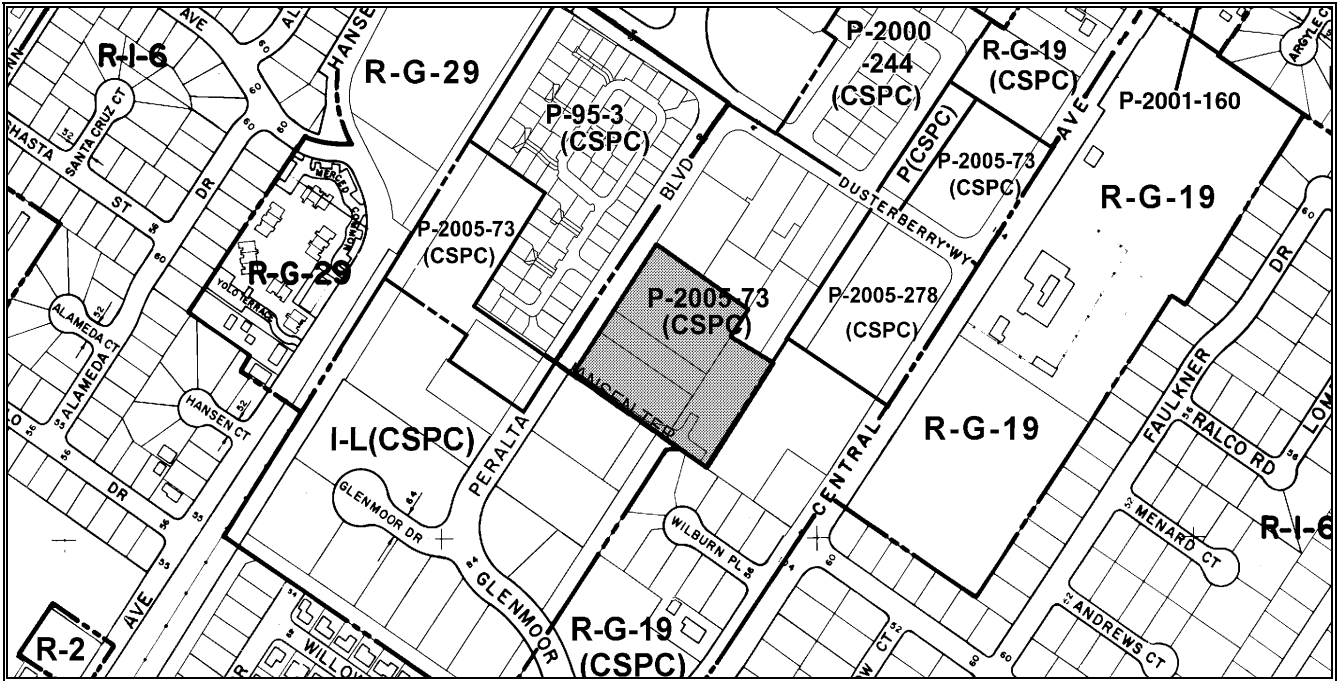
Supplemental Hearing Materials:

1. Parcelization Plan
2. Preliminary design of median and improvements for Peralta Boulevard

RECOMMENDATION:

1. Hold public hearing.
2. Adopt Exhibit "C" Mitigated Negative Declaration and Mitigation Monitoring Plan, recommend the use of a Certificate of Fee Exemption, and find these actions reflect the independent judgment of the City of Fremont.
3. Find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
4. Find the project is in conformance with the relevant provisions contained in the City's existing General Plan and the Centerville Specific Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing and Land Use Chapters as enumerated within the staff report. The project also conforms to the goals, objectives, and design criteria of the Centerville Specific Plan.
5. Find that the proposed architecture is superior quality and will enhance the scenic qualities and complement the character of the area and be an attractive feature for Fremont and the Centerville Planning Area. In addition find that the site plan has provided for pedestrian connections to nearby features as required by the Planned District.
6. Approve PLN2006-00133, as per Exhibit "A" (site plan, elevations, floor plans and landscape plans) and Exhibit "D" (Color Board) either fulfills the applicable requirements set forth in the Fremont Municipal Code, or the project as proposed justifies the exceptions (reductions of the width of the PVAWs, sidewalk waiver, curb and gutter design and density requirements) as set forth in the staff report.
7. Approve Exhibit "B", (Private Street and Tentative Map 7719 and Preliminary Grading Plan)

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

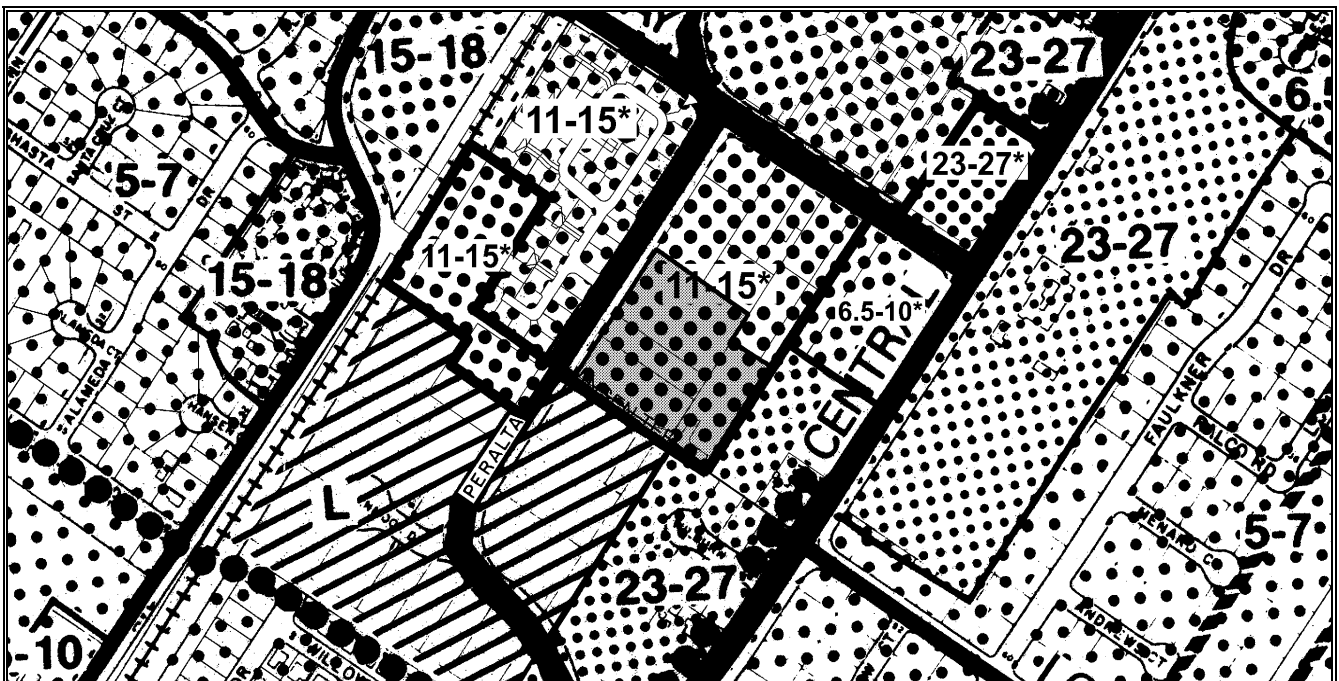


EXHIBIT "1"

PLN2006-00133

(Finding, Site Plan and Architectural Approval) SummerHill-Peralta

FINDINGS:

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Planning Commission dated May 11, 2006, incorporated hereby.

General Findings

1. Adopt Mitigated Negative Declaration, Mitigation Monitoring Plan and recommend the use of a Certificate of Fee Exemption and find these actions reflect the independent judgment of the City of Fremont.
2. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing and Land Use Chapters as enumerated within the staff report. Find that the project conforms with the Centerville Specific Plan
3. Find that proposed project is in conformance with the standards and policies of the R-3 zoning district, and that based on the Site Plan and Architectural Approval process conducted, the exceptions granted to the general setback standards of the district.
4. Find that the proposed increase in lot coverage is in conformance with the R-3 zoning district as enumerated within the staff report.
5. Find that through the implementation project's proposed architecture will be superior quality and will enhance the scenic qualities and complement the character of the area and be an attractive feature for Fremont and the Centerville Planning Area.
6. Find the reduction of the Private Vehicle Access Ways (PVAWs) from 24 feet to 22 feet is warranted based on design and the findings enumerated within the staff report.
7. Find to allow the proposed curb and gutter design is appropriate.
8. Find the requirement for 3.5 foot walkway on both sides of the PVAWs is not required because of an alternative paseo design.
9. Find that the proposed access is designed so as to minimize impacts to adjacent thoroughfares in that the internal street system links to the surrounding street system and that appropriate points of access long Peralta Boulevard are provided.

General Conditions:

- A-1 The approval of PLN2006-00133 shall conform to Exhibit "A" (Site Plan, Floor Plans, Elevations and Landscape Plan), Exhibit "D" (material and color board) and all the conditions of approval set forth herein. This approval entitles the construction of 48 attached and detached townhome units.
- A-2 Plans shall be submitted to the Development Organization for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-3 Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Planning Director or designee if such modifications are in keeping with the architectural statement of the original approval. However, the Planning Director shall retain the authority to determine the level of review required, including a Planning Commission review.
- A-4. The project shall be subject to all Citywide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance. The developer shall be entitled to a fee credit for the commercial structures to be removed.
- A-5 The applicant shall be subject to the Centerville Specific Plan fees of \$2,985 per acre. The fees shall be paid prior to issuance of building permits.
- A-6 Pursuant to Article 21.7 [Inclusionary Housing] of the Fremont Municipal Code, the Property Owner(s) shall enter into a BMR Master Developer Agreement with the City to provide at least 15% of total number of residential units made available at affordable housing costs within the for-sale development.

A total of 7 units within the 48-unit Peralta-SummerHill project shall be available for participation in a below market rate (BMR) affordable housing program, subject to the review and approval of the Office of Housing and Redevelopment. The BMR Master Developer Agreement shall run with the land, made part of the project's conditions of approval and shall be recorded on the property titles of each parcel designated for the BMR sales program.

The BMR Master Developer Agreement shall include the following provisions:

- BMR units must be affordable to families earning no greater than 110% or below of the county median income as defined by the United States Department of Housing and Urban Development in effect at the time of sale;
- The units shall only be available to eligible first time homebuyers as defined under the California Housing Finance Agency To the extent permitted by law, preference shall be given to those who currently live, work, or previously lived in the City of Fremont;

- To insure long-term affordability, and to assist the greatest number of families over the longest feasible time, BMR units shall be subject to resale restrictions under individual agreements developed by the City of Fremont, which shall be binding for a minimum of 30 years, renewable upon resale;
- The BMR sales price shall be computed as follows:

For a two bedroom unit, the sales price shall be computed based upon the maximum program restricted income for a family of three times a multiplier of 3.5, and for a three bedroom unit, the sales price shall be computed based upon the maximum program restricted income for a family of four times a multiplier of 3.5. For 2006 the sales prices are:

2006 BMR sales price:

2 bedrooms (family of 3 at 110% of area median income): \$290,290

3 bedrooms (family of 4 at 110% of area median income): \$322,630

4 bedrooms (family of 5 at 110% of area median income): \$348,425

The City of Fremont Office of Housing and Redevelopment will conduct the Buyer Selection process and will provide eligible homebuyers to the Developer. The selection process will be described in the BMR Master Developer Agreement.

- A-7 To mitigate the identified air quality impacts of grading and construction, dust suppression measures shall be incorporated into the project conditions of approval and construction drawings. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Stockpiles of sand, soil, and similar materials shall be covered with a tarp. Cover trucks hauling dirt or debris to avoid spillage. Paving and/or landscaping shall be completed as soon as feasible to reduce the time bare surfaces and soils are exposed. Dust emissions during construction will be minimized through the application of water required by the project specifications.
- A-8 Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5.(e) and (f) will be followed to reduce impacts to a non-significant level.
- A-9 The three Mexican Palm trees identified in the arborist report completed by HortScience (October 31, 2005), shall be moved to a common landscape area on Morgan Common.
- A-10 Noise levels can be mitigated by measures described in the acoustical analysis prepared by Charles Salter and Associates dated February 6, 2006. Mitigation measures are required due to the traffic noise generated from Peralta Boulevard. A supplemental noise study shall be submitted to the building official to ensure that the City and State Ldn interior noise level for future residential structures do not exceed 45 dB and to achieve the maximum instantaneous

noise level (Lmax) criteria of 50 dB in bedrooms and 55 dB in other rooms. Recommendations made in acoustic analyses shall be incorporated into individual project designs.

- A-11 The sump abandonment for the site will require notification to and oversight by the City of Fremont Fire Department and Union Sanitation District and notifying the Alameda County Water District.
- A-12 All currently regulated hazardous materials facilities be properly closed, under direction from the FFD, prior to issuance of any site grading, demolition or building permits.
- A-13 Prior to any demolition, renovation or removal of structures on either of the project sites:
- a) An asbestos survey of existing structures shall be performed consistent with National Emissions Standards for Hazardous Air Pollution guidelines. If warranted, a remediation plan to remove asbestos shall be prepared and implemented. Said plan shall be consistent with applicable Fremont Fire Department standards, Bay Area Air Quality Management District requirements and Cal-OSHA standards. Necessary permits shall be obtained from all applicable regulatory agencies.
 - b) A lead based paint survey shall be conducted. If lead-based paint is encountered, the requirements as outlined in Cal OSHA Lead in Construction Standard, Title 8, CCR Section 1532.1 (or succeeding regulation) shall be followed.
- A-14 Construction otherwise w/in 500' of residences, lodging facilities, nursing homes or inpatient hospitals:
- Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by City) conspicuously placed adjacent to the most visible right of way for the duration of the construction activity as follows:
- a. Monday-Friday, 7 a.m. to 7 p.m.
 - b. Saturday & Holiday, 9 a.m. to 6 p.m.
 - c. Sunday, no construction activity allowed

Special Conditions (Must be satisfied on on-going basis and included in the Homeowner's Covenants, Conditions and Restrictions (CC&Rs))

- A-15 A Homeowner's Association shall be formed and shall covenant and be responsible for the maintenance of all commonly owned facilities, including the private street (or private vehicular accessway), which are not maintained by the public utility agency. CC&Rs, including these imposed conditions, shall be submitted to the Development Organization (or during the tract map improvement plan review process) for review and approval.

- A-16 The Homeowner's Association shall be required to contract with a professional management firm to handle maintenance operations and waste/recycling collection procedures. All commonly owned facilities shall be well-maintained in a good condition.
- A-17 The CC&Rs shall specify that exterior parking of boats, campers, and trailers on the site be prohibited. In no event shall household storage preclude the parking of vehicles in a garage area, and all parking spaces designated for guest parking shall be restricted for guest usage only. In addition, no power equipment, hobby shops, car maintenance (other than emergency work) shall be permitted within the private garage areas where such activities would displace normal use of the garages for day to day parking purposes. All new occupants and property owners at the time of purchase or lease shall receive a separate notice on bright color paper of this condition.
- A-18 The CC&Rs shall specify that in the interest of aesthetics, uniformity in appearance, safety and security, all garage doors shall be maintained in a closed position, except during entering or exiting movements from the garage.
- A-19 The Homeowner's Association shall be responsible for the maintenance of all common areas. Landscaping shall be designed with an efficient irrigation system to reduce runoff and promote surface filtration and to minimize the use of fertilizers, herbicides, and pesticides that can contribute to urban runoff pollution.

The Homeowner's Associations shall be responsible for the landscaping in the paseos in front of the proposed fence, the private common open space and the landscaping in the landscape buffer adjacent to the Private Vehicle Access Ways and Jansen Terrace. The HOA shall also be responsible for the landscape areas adjacent to the garages and any areas identified as landscape easement on the tract map. These areas shall not be deeded to property owners.

The CC&Rs shall list the following restrictions for the side yards:

- a. Prohibition of additions or enlargement of openings (such as windows, etc).
 - b. Limit the color the homes can be painted.
 - c. Limit what plant or trees can be planted near the adjacent walls.
 - d. Setforth requirements for the maintenance of landscaping by property owner within use easement areas.
 - e. Setforth access rights for the property owner without the use easement in order to do routine maintenance of unit.
 - f. Prohibit the construction of accessory structures, including but not limited to spas, hot tubs, trellises and patios.
- A-20 The Homeowner's Association is to periodically provide educational materials on stormwater pollution prevention (as furnished by the City) to all occupants.
- A-21 The Homeowner's Association shall be responsible for litter control and sweeping of all paved surfaces of the private street and within the development. All private storm drain systems are to be cleaned immediately before the commencement of the rainy season (October 15).

- A-22 The CC&Rs shall prohibit exterior additions to the residential structures, including the addition of pre-manufactured sunrooms and patio covers.
- A-23 All roof-mounted and other mechanical equipment shall be screened from view from adjacent public rights-of-way and internal private streets.
- A-24 Garbage, trash or recycling containers shall be suitably concealed in an area dedicated within the garage or designated side yard of each unit, except such features may be placed at curbside on the designated garbage pick-up day.
- A-25 A provision shall be included in the CC&Rs stating that the payments of the utility (e.g., water, energy) bills for all common facilities, including its maintenance, are the obligations of the Homeowners Association.
- A-26 The exterior of the condominium units including the paint, decks, and roofs will be the responsibility of the HOA. These units will pay additional HOA fees for the maintenance of the their units.
- A-27 The proposed fence in the front yard areas of the units shall be limited to 3-feet in height.
- A-28 The sound wall located at the north end of Maybeck Terrace and Stickley Terrace shall be designed so the wall can be removed at these points for the purpose of extending Maybeck Terrace and Stickley Terrace.

Site Planning

- B-1 The parking configurations and dimensions shall conform to the City's standards and Ordinances and shall be reviewed as part of the Development Organization review process. The parking garages shall be reserved for car parking and shall not be used for storage.
- B-2 The street lighting illumination level for the private vehicle access way shall meet public roadway standards. The proposed lighting of the main aisle shall be located to reduce the potential for glare or light spillage onto adjacent properties.
- B-3 The paseos shall be provided with appropriate lighting for safety. The proposed lighting shall be designed at a pedestrian scale and shall be subject to staff review and approval during the Development Organization review process.
- B-4 Lighting associated with the project area shall be subject to staff review and approval during the Development Organization review process, and shall be of a pedestrian scale, and residential and decorative nature.

Building Design

- C-1. All mechanical equipment (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.

- C-2. Final building design, colors and materials shall be consistent with Exhibit "A" (Site, Architecture, Floor, and Landscape Plans) and Exhibit "D" (Color and Material Sample Board), subject to staff review and approval during Development Organization review. The applicant shall work with staff on defining architectural details and materials, and on the final choice of colors.
- C-3. All the units shall be equipped with automatic garage door openers.
- C-4. The garage door openings for the townhome units located on 22-foot wide PVAWs shall have a minimum garage opening of 18 feet.
- C-5. Raised trim shall be provided at all exterior windows and doors, subject to staff review and approval.
- C-6. The final design, layout, and construction of the proposed development shall conform to the Security Ordinance, No. 2007, as amended, including a lighted street address and appropriate security measures, subject to the review and approval of staff during the Development Organization review process.
- C-7. No exterior additions or modifications to the residences shall be permitted. This condition shall be incorporated into the CC&Rs for this project.
- C-8. The applicant shall work with the Development Organization to finalize the design of the garage doors. Each architectural type (Bay Traditional, French, and Craftsman) shall have different garage door type.

Landscaping

- D-1 Street trees are required along Peralta. Remove existing street trees (Privets and Bradford Pears) and replace with 24" box size 'Red Sunset' Maple. Trees shall be installed per City Standard and are subject to review and approval by the City's Urban Landscape Supervisor.
- D-2 As mitigation for the removal of the Silver Dollar Gum tree, a 48" box size multi trunk specimen oak tree shall be provided in a common landscape area.
- D-3 The three Mexican Palm trees identified for preservation in the submitted arborist report by HortScience (October 31, 2005) shall be moved to a common landscape area.
- D-4 Branches from mature trees may not overhang buildings and roofs. Adequate space to plant trees adjacent to buildings or other built features must be provided in the following minimum ways:
 - a) Small trees (to 15 feet tall) no closer than 6 feet from building or 2 feet from paving, curbs, or walls with a minimum planting area 5 feet wide.
 - b) Medium trees (to 30 feet tall) no closer than 10 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide.

- c) Large trees (above 30 feet tall) no closer than 15 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide, preferably 8 feet wide.
- D-5 All planting areas containing trees shall be free of all Utility Structures (including light standards) and other built features consistent with the spacing requirements of City Standard Detail LSD-5 City Standard Street Tree Clearances. In order to install all the trees shown on the Landscape Plan, utilities may require relocation subject to staff approval during Site Improvement Plan Review.
- D-6 Landscape plans shall be submitted to Development Organization for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, and (3) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
 - a) An underground irrigation plan.
 - b) A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
 - c) Construction details of raised planters, walkways, paths, benches, walls, fences, trellises, and other architectural features as appropriate to the project.
- D-7 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP available at the Engineering Counter.

Engineering Conditions:

- E-1 The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- E-2 All public and private storm drain inlets are to be stenciled "No Dumping - Drains to Bay" using thermoplastic stencils purchased from the City of Fremont Maintenance Division. Alternative inlet stencils or marking may be permitted, subject to City Engineer approval during final map and subdivision improvement plan checking.
- E-3 All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season. Additional cleaning may be required by the City of Fremont.
- E-4 For air conditioning units, air conditioning condensate should be directed to landscaped areas or alternatively connected to the sanitary sewer system after obtaining permission from Union Sanitary District. Any anti-algal or descaling agents must be properly disposed of. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board's (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.

- E-5 Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
- E-6 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
- E-7 The home owners association shall prepare and implement a plan for pavement sweeping and cleaning of all storm drain inlets.
- E-8 The buildings, including foundations and utility connections, shall be designed in accordance with the project preliminary geotechnical report by Lowney Associates, dated July 13, 2005, and any subsequent or supplemental project geotechnical report(s). Prior to issuance of building permits, the Chief Building Official may require peer review of the project geotechnical reports. If peer review is required, the developer shall pay associated peer review costs.

Fire Department:

- F-1 The applicant shall meet all requirements in the 2001 California Fire Code and local Ordinance #2485.
- F-2 Provide fire flow information for site. Contact Jose Rodriguez with the Alameda County Water District at 510-668-4419 to obtain information.
- F-3 The applicant shall install a N.F.P.A. 13-D residential fire sprinkler system complying with local amendments. Fire sprinkler system to be designed to a 4 head calc. Fire sprinkler coverage to be throughout entire building including attics in lieu of 26 ft wide fire department access roadways. Full fire sprinkler coverage will allow Fire Department to approve a min 22 ft wide EVA roadway with reduced width between the roof eaves above 13 ft 6 inches from finished grade.
- F-4 Automatic fire suppression systems in all group R-3 occupancies shall have Residential or quick response standard sprinkler heads in dwelling or guest portions of the building. The sprinkler system shall provide protection to at least all of the following areas garages, carports, bathrooms, concealed spaces, water heater/furnace rooms, closets, laundry rooms, attic spaces, under walks, or overhangs, balconies or deck greater than four feet in depth, and floor landings if wholly or partial enclosed, or other areas as required.
- F-5 The underground fire Separate permit is required for the fire sprinkler system.
- F-6 The applicant shall provide for approval a site plan/ Civil Utility Plan with the location of public, on-site fire hydrants and Fire Department Connections location(s). Fire hydrant spacing requirement is 300 feet spacing. Install two private onsite fire hydrants. Public fire hydrants head within 300 ft of site to be a Clow Model 860 or equivalent.

- F-7 The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- F-8 Provide an Emergency Vehicle Access Easement to site from Jansen Terrace.
- F-9 The applicant shall provide a 20 ft wide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. CFC 901.3, C.F.C 903.2. and C.F.C 903.3.
- F-10 The applicant shall provide the fire hydrant required fire flow on site prior to construction or storage of combustible materials. C.F.C 903.2 & Appendix IIIA. Fire hydrant jumper lines must be at least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed.
- F-11 The applicant shall have a key box (Knox brand) located outside of buildings/gates and provide keys to the Fire Department so they may gain access. Vehicle gates shall use Knox lock or keyed over-ride switch. Gates shall also have an infrared receiver installed. Applications can be obtained at Fire Administration office, 3300 Capital Ave, Fremont.
- F-12 The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the C.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
- F-13 Address must always be visible from Public Street. Provide site map at private driveway entrance.
- F-14 The driveway access shall have a minimum 26 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access roads and shall meet Fire Department standards for surface type, distance, weight loads, turn radius, grades, and vertical clearance. Other mitigation's shall/may be required in addition to those listed. (CFC Sec. 902.2 as amended) The applicant shall indicate on all site plans the location of required red curbs, curb lettering and fire lane signs. This project requires all curbs to be red, lettering every 30 feet and signs every 100 feet.
- F-15 Fire Department Connections for all sprinkler system must be located not more than 100 feet from a fire hydrant. N.F.P.A 14. All inlets shall have Knox type caps and signs/address placards installed at the connection.
- F-16 Fire hydrant spacing requirement is 300 feet spacing. The distance is measured as the fire engine travels on all- weather surfaces. Public fire hydrants to meet the specifications of Clow Model 860 or equivalent.

- F-17 Separate permit is required for the underground fire service, fire sprinkler, standpipe and fire alarm system.

HAZARDOUS MATERIALS UNIT:

- F-18 The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District (BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.
- F-19 The portion of the facility to be converted to another use, shall be free of any reported hazardous materials and properly closed with the local agencies, as required by California Health and Safety Code, Chapter 6.95, and as detailed in the Hazardous Materials Business Plan filed with the City of Fremont Fire Department.
- F-20 The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.
- F-21 The applicant must follow the recommendations of the submitted a Phase 1 and Phase 2 environmental site assessment(s). Additional requirements, remediation and/or clearances from Alameda County Health Department, Alameda County Water District, Regional Water Control Board, Department of Toxic Substances Control, or other agencies may be established subsequent to staff's review.

Environmental Services:

- G-1 Municipal solid waste (MSW) collection service is required for all commercial, multi-family and residential properties, and is provided by Allied Waste on an exclusive franchise basis. Collection of recyclables at multi-family residential complexes is mandatory, and is provided by the City's franchised hauler (FMC IV, Ch 2, 4-2101, -2200, -2212). Contact Allied Waste at (510) 657-3500 to arrange for service.
- G-2 Prior to receiving a demolition or building permit, the applicant must submit a **Waste Handling Plan** for managing all expected construction and demolition debris to the Environmental Services Division. Environmental Services supplies this form (see sample attached), or a Plan may be submitted in any format that includes the following information:
- a. Contractor's name, address, and telephone number
 - b. Project location and/or street address
 - c. Anticipated start and completion dates of the project
 - d. A list of debris materials the applicant expects to generate (e.g., glass, wood, metal, drywall, concrete, or bricks), the estimated total tonnage or volume of material, and whether it is to be salvaged, reused, recycled or disposed
 - e. Estimated total cost of waste disposal and recycling.

- G-3 Environmental Services will review the Plan and may recommend alternative disposal methods for the debris material.
- G-4 After completing the demolition or construction project, the contractor will submit a **Waste Disposal & Diversion Report** to Environmental Services on actual tonnages or volumes disposed and recycled for the project, and the actual cost of disposal and recycling. Environmental Services supplies this reporting form (see sample attached).
- G-5 The applicant may contract with any company licensed to do business in Fremont for collection, storage and hauling of contractor-separated construction and demolition materials for salvage or recycling. Separated material destined for recycling may not contain more than 10% by weight of solid waste or other non-recyclable material (FMC IV, Ch 2, 4-2303).
- G-6 The contractor must insure that non-recyclable construction and demolition debris is removed from the site using means set out in the Fremont Municipal Code, including one or more of the following ways (FMC IV, Ch 2, 4-2300):
- a. Removal from the premises by the construction or demolition contractor as part of a total construction, remodeling or demolition service offered by that contractor;
 - b. Placement of small amounts of debris into the customer's existing trash container(s) with prior notice to the City's franchised waste hauler;
 - c. Contacting the City's franchised waste hauler to arrange for use of roll off drop boxes or debris box containers with sufficient capacity to store all demolition materials to be landfilled.
- G-7 Each dwelling unit shall include an area with a minimum of six (6) cubic feet designed for the internal storage of trash and recyclable material. A minimum of three (3) cubic feet (undivided) shall be provided for storage of trash and a minimum of three (3) cubic feet (undivided) shall be provided for storage of recyclable material.

EXHIBIT "2"
PLN2006-00133
(Vesting Tentative Tract Map 7719)
Peralta-SummerHill

FINDINGS:

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated May 11, 2006 incorporated herein.

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance, because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards set forth in the Subdivision Ordinance.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan and the Centerville Specific Plan, since the proposed development conforms to the density of residential development as represented on the General and the Centerville Specific Plan.
3. The site is physically suitable for the type and proposed density of the development, because the development offers lots designed in a manner consistent with the requirements of the R-3-15 Zoning District.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because of the project site is a development site that does not have fish or wildlife habitat. No adverse environmental impacts were identified for implementation of the proposed project.
5. The design of the subdivision and the types of improvements are not likely to cause serious public health problems, since the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, since the easements are incorporated into the design of the subdivision. Acquisition of any new easements is required prior to final map approval.
7. All public improvements or facilities required as a part of this approval are directly attributable to, and are a logical consequence of, the proposed development, and are required for reasons related to public health, safety and welfare, because the project satisfies the requirements of the Fremont Municipal Code.

TENTATIVE MAP CONDITIONS:

1. The project shall conform to Exhibit "B" (Vesting Tentative Map 7719 & Private Streets), all conditions of approval set forth herein, and the conditions of approval of Planned District PLN2006-00133.
2. Approval of this Vesting Tentative Map shall expire according to the provisions of the State Subdivision Map Act and any amendments thereto and applicable provisions of the Fremont Municipal Code consistent with the State Subdivision Map Act.
3. The final map and subdivision improvement plans shall be submitted to the Engineering Division for review to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
4. The developer shall install complete street improvements to the centerline of Peralta Boulevard. Required street improvements include, but are not limited to: constructing new private street driveways; replacing existing damaged and/or displaced sidewalk, curb, gutter, and pavement; installing new curb ramps at driveway crossings; removing the existing street trees and installing new street trees; replacing existing street lights with new standard street lights.
5. The developer shall install a raised concrete median in Peralta Boulevard from the southwestern boundary of the project site to the northeastern boundary of the project site. The developer shall also remove the existing pavement striping and replace with new striping to accommodate two 5-foot bike lanes, two twelve-foot travel lanes, two 8-foot on-street parking lanes, necessary 2-way left turn lanes, and striping transitions from Jansen Terrace to Central Avenue.
6. The developer shall install a fourteen foot wide raised median (including landscape and/or hard cape), two twelve foot travel lanes, two five foot bike lanes and two eight foot parking lanes from the northeastern boundary of the project site to Dusterberry Way. The City will release up to \$111,000 received from the Nelson/Maple development to the developer for median improvements minus the developer's share for their frontage and the re-striping of Peralta Boulevard from the Jansen Terrace to Central Avenue. If the improvement cost is more than \$111,000, the developer will be required to pay the difference. If there are surplus funds they will be set aside for future traffic calming improvements at Dusterberry Way/Peralta Boulevard intersection. The applicant shall provide the City with a cost estimate for the improvements and staff will work with the applicant with regards to the release of the available funds and the amount the applicant may need to contribute. The applicant shall submit improvement plans for the Peralta Boulevard median and other improvements with the final map.
7. The tentative map application submitted by developer includes easement acquisition on property not owned or controlled by developer for private street right of way ("Off-Site Private Street Easement"). Developer acknowledges it has requested the Off-Site Private Street Easement to be included in its project, and that such inclusion is not a City-imposed requirement. Prior to filing the final map with the City, the developer shall acquire sufficient interest or title to the Off-Site Private Street Easement and the developer shall to provide the City a grant deed for public utilities and emergency vehicles over the Off-Site Private Street Easement. In the event the developer is unable to acquire sufficient title or interest in the Off-Site Private Street Easement, developer shall

file an amendment to the tentative map to exclude the Off-Site Private Street Easement. The developer is notified that the amendment to the tentative map is subject to review and approval of the City, which may result in revisions to the development plan. Developer agrees that City shall have no obligation to use its powers of eminent domain to acquire an interest in the Off-Site Private Street Easement, and developer and all successors in interest waive any and all rights they may assert under Government Code Section 66462.5 to require City to exercise its power of eminent domain.

8. Off-site Private Street Easement Improvements: The developer shall acquire and dedicate the off-site private street easement for Jansen Terrace as shown on the tentative map (see condition "15" above). The developer shall install the off-site private street improvements for Jansen Terrace, as shown on the tentative map.
9. The developer shall dedicate an easement over Lots C and F, as shown on the tentative map, to facilitate extension of the water main, in the event that the adjacent property redevelops and requires public water service. The required easement shall be dedicated on the final map or shall be granted by separate deed, subject to review, approval, and acceptance of the Alameda County Water District. A water stub extension to the north boundary of Lot C shall also be installed as part of the site improvements for the project to minimize future disruption to the homeowners open space area.
10. The streetlight plan and joint trench plan shall be submitted by the applicant with the first subdivision plan check for the street improvement plans and final map. The final streetlight plan and joint trench plan shall be completed prior to final map approval.
11. The developer shall request P.G.&E. to commence with the design of the utility underground work for the proposed development after the Planning Commissions approval of Tentative Tract Map 7719.
12. The developer shall submit a detailed geotechnical report, including recommendations regarding pavement structural sections, prepared by a qualified engineer registered by the State of California. The soils report shall include specific recommendations for on site pavement areas that will experience repeated exposure to heavy vehicle loads. The subdivision improvement plans, including utility plans, shall be designed in accordance with the required project geotechnical.
13. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES permit requirements issued by the State's Water Quality Control Board.
14. In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owners shall enter into a maintenance agreement for the long-term operation and maintenance of stormwater treatment measures. The agreement shall run with the land and be recorded at the same time that the final map is recorded.
15. Precise geometry and location of all driveways shall be subject to approval of the City Engineer.
16. Pursuant to Government Code Section 66474.9, the Subdivider, or any agent thereof, or successor thereto, shall defend, indemnify, and hold harmless the City of Fremont, its officials, employees or agents (collectively "City") from any claim, action or proceeding against the City to attack, set

aside, void, or annul, the City's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The City will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

17. Any development on the newly created lots will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities, park land dedication in-lieu, and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected prior to building permit issuance.
18. All new utility service connections, including electrical and communications, shall be installed underground. Electrical transformers shall be installed in underground vaults within an appropriate utility easement or public service easement. Existing above ground utilities serving or crossing the site shall be removed and/or relocated underground within appropriate utility easements.
19. The project storm drain system shall conform to City standards and shall be subject to review and approval of the City Engineer and the Alameda County Flood Control and Water Conservation District.
20. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.
21. The developer is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
22. This Private Street (PLN2006-00133) is being conditionally approved based on the accuracy of the information shown on Exhibit "B" and submitted with the Private Street application. If any of the information is shown to be inaccurate subsequent to approval of the Private Street by the City, such inaccuracy may be cause for invalidating this approval. Approval of Private Street (PLN2006-00133) shall become effective upon final map approval.
23. Dedication of an irrevocable ingress and egress easement and all other easements typically found with in private vehicle accessways (PVAW's) shall be required on the final map at the north limit of the project site at the terminus of Stickley Terrace and Maybeck Terrace.
24. The private street names are subject to modification prior to final map approval.
25. A Private Vehicle Access Way (PVAW) and a Public Utility Easement (PUE) are to be established over the entire private street right-of-way. The PUE dedication statement on the final map is to recite that the PUE is available for, but not limited to, the installation, access and maintenance of sanitary and storm sewers, water, electrical and communication facilities.
26. Access considerations for the on-site circulation system require space to be reserved for the movement of fire-fighting and emergency vehicles for the protection of both private property and the public. Dedication of emergency vehicle access easements (EVAE) on the final map over the

private street right-of-way will be required. The easement geometry shall be subject to the approval of the City Engineer.

27. Fire hydrants are to be located along the private street as determined by the Fremont Fire Department.
28. Deed restrictions are to be recorded concurrently with the final map to create a mandatory Home Owner's Association or any other mechanism acceptable to the City for those lots with private street frontage which is to covenant and be responsible for the following:
 - a. Maintenance of the facilities in the private street which are not maintained by a public utility agency, except all utility work resulting from backfill failure is to be the responsibility of the Home Owner's Association.
 - b. Payment of the water and private street lighting (maintenance and energy) bills.
 - c. Maintenance, repair, replacement and removal of blockages in all building sewers. Maintenance of the building sewers includes repair of any trench failures and/or trench surface material failures.
 - d. Maintenance and "knock-down" repair of fire hydrants and water facilities along the private street is to be done by the utility agency at the expense of the Home Owner's Association. The Home Owner's Association is to be responsible for repainting any fire hydrants along the private street.
29. Each buyer is to sign an acknowledgment that he/she has read the constitution and bylaws of the Home Owner's Association and the conditions, covenants and restrictions applying to the development.
30. Private street grading and drainage shall be done according to public street standards, subject to review and approval by the City Engineer prior to final map approval.
31. Pursuant to FMC Section 8-1522 and 8-3107, the subdivider is to improve prior to final map approval or agree to improve within one year of final map approval, the private streets within the subdivision. No permanent improvement work is to commence until improvement plans and profiles have been approved by the City Engineer. Improvements are to be installed to permanent line and grade in accordance with the City's subdivision improvement standards and to the satisfaction of the City Engineer. Improvements to be constructed include, but are not limited to: Curb and gutter, driveways, Peralta Boulevard median improvements and striping improvements, street paving, private street monuments, electroliers (wired underground), drainage facilities, signs, and fire hydrants.
32. The private street pavement shall be designed on the basis of a traffic index using predicted traffic generation and a thirty-year pavement design life. In no case shall the traffic index be less than 5.5. Asphalt concrete surfacing to be treated with a seal coat of the type and amount required by the City Engineer. Pavement design sections shall be subject to approval of the City Engineer.

33. Safety lighting is to be provided on the private street. Lights shall utilize "vandal resistant" enclosures and shall have sufficient power and spacing to provide an average maintained foot-candle level of 0.12.
34. A signpost, to which is attached a sign having an area of at least fifteen inches by twenty-one inches, is to be installed at or near the private street entrance. The name of the private street is to be placed on this sign in clearly legible four-inch letters. The sign is to have painted, in at least one-inch letters: "Private Property. Not dedicated for public use."
35. The applicant shall record a no build easement along the PVAWs and the paseos. The PVAWs shall maintain a clearance of 20 feet.
36. An exclusive use easement shall be recorded for outdoor areas adjacent to the condominium units for the benefit of the condominium owner.
37. The HOA shall not deed any landscape areas maintained or shown as a landscape easement on the map to adjacent owner, nor shall the HOA sell these areas.
38. The HOA shall not deed or sell any properties held in common.

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative tract map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative tract map. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

Exhibit “3”
PLN2006-00133
(Preliminary Grading Plan)
Peralta-SummerHill

FINDINGS:

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated May 11, 2006 incorporated herein.

1. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, substantially and negatively different from the existing natural appearance.
2. The proposed project described in the application will not result in geologic or topographic instability on or near the site. Based on geologic information available, the site is not in a special studies zone. There are no fault zones or evidence of slides on the site, which might be aggravated by the grading of the site
3. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The adequacy of the existing sewer, water and drainage facilities proposed for the project has been reviewed by the different utility agencies. The proposed development will not alter or obstruct the natural flow from abutting properties or divert drainage from its natural watershed. The applicant will be required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.
4. Conformity, where applicable, to special concerns relating to the adopted Seismic Safety Element and concerns shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology shall be accomplished at time of final map. Supplemental data and substantiation of conclusions may be required by the public works director upon city review of the reports. The proposed development is not in any special studies zone nor is there evidence of presence of any fault or active slides per maps issued by the U.S. Geological Survey and the California Division of Mines and Geology.
5. The proposed project described in the application will not unacceptably affect the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont.
6. The proposed project will not have a significant effect on the environment because the implementation of the identified mitigation measures will lessen impacts to an insignificant level.

PRELIMINARY GRADING PLAN CONDITIONS OF APPROVAL:

1. The project shall conform to Exhibit "B" (Preliminary Grading Plan), all conditions of approval set forth herein, and all conditions of approval of Vesting Tentative Map 7719, PLN2006-00133.
2. Approval of this Preliminary Grading Plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
3. Approval of this Preliminary Grading Plan shall run concurrent with the approval and subsequent extensions of Vesting Tentative Tract Map 7719. Approval of this Preliminary Grading Plan shall terminate upon the expiration of Vesting Tentative Tract Map 7719.
4. A grading permit issued for the project shall be in accordance with the Grading, Erosion, and Sediment Control Ordinance (Chapter 4, Title VIII of the Municipal Code). Grading shall be subject to the approval of the City Engineer.
5. The applicant shall provide for a functional system to control erosion and siltation during and after grading subject to review and approval by the City Engineer. An erosion and sediment control plan shall be included as part of the grading plans.
6. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
7. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul truck route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
8. Prior to issuance of a grading permit for land disturbance greater than one acre, the developer is to provide evidence that a Notice of Intent has been filed and with the State of California Water Resources Control Board. Evidence shall include the WDID number assigned by the State. The developer is responsible for insuring that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan (SWPPP).
9. Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.
10. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.

Exhibit "4"

**PLN2006-00133
(Private Street Plan)
Peralta-SummerHill**

PRIVATE STREET CONDITIONS OF APPROVAL:

1. The project shall conform to Exhibit "A" and all conditions of approval set forth herein.
2. The private streets shall conform to Exhibit "B", attached hereto and made a part hereof and all conditions of approval of Vesting Tentative Map 7719 (Exhibit "B").
3. This Private Street (PLN2006-00133) is being conditionally approved based on the accuracy of the information shown on Exhibit "B" and submitted with the Private Street application. If any of the information is shown to be inaccurate subsequent to approval of the Private Street by the City, such inaccuracy may be cause for invalidating this approval.
4. A Private Vehicle Access Way (PVAW) and a Public Utility Easement (PUE) are to be established over the private street right-of-way. The PUE dedication statement on the final map is to recite that the PUE is available for, but not limited to, the installation, access and maintenance of sanitary and storm sewers, water, electrical and communication facilities.
5. Access considerations for the on-site circulation system require space to be reserved for the movement of fire-fighting and emergency vehicles for the protection of both private property and the public. Dedication of emergency vehicle access easements (E.V.A.E.) on the final map over the private street right-of-way will be required. The easement geometry shall be subject to the approval of the City Engineer.
6. Fire hydrants are to be located along the private street as determined by the Fremont Fire Department.
7. Deed restrictions are to be recorded concurrently with the final map to create a mandatory Home Owner's Association or any other mechanism acceptable to the City for those lots with private street frontage which is to covenant and be responsible for the following:
 - a. Maintenance of the facilities in the private street which are not maintained by a public utility agency, except all utility work resulting from backfill failure is to be the responsibility of the Home Owner's Association.
 - b. Payment of the water and private street lighting (maintenance and energy) bills.
 - c. Maintenance, repair, replacement and removal of blockages in all building sewers. Maintenance of the building sewers includes repair of any trench failures and/or trench surface material failures.

- d. Maintenance and "knock-down" repair of fire hydrants and water facilities along the private street is to be done by the utility agency at the expense of the Home Owner's Association. The Home Owner's Association is to be responsible for repainting any fire hydrants along the private street.
8. Each buyer is to sign an acknowledgment that he/she has read the constitution and bylaws of the Home Owner's Association and the conditions, covenants and restrictions applying to the development.
9. Private street grading and drainage shall be done according to public street standards, subject to review and approval by the City Engineer prior to final map approval.
10. Pursuant to FMC Section 8-1522 and 8-3107, the subdivider is to improve prior to final map approval or agree to improve within one year of final map approval, the private street frontage of the map. No permanent improvement work is to commence until improvement plans and profiles have been approved by the City Engineer. Improvements are to be installed to permanent line and grade in accordance with the City's subdivision improvement standards and to the satisfaction of the City Engineer. The minimum improvements, which the subdivider is normally required to construct or agree to construct prior to acceptance and approval of the final map by the City, are as set forth in the City Development Policy for Private Vehicle Access ways. Improvements to be constructed include:
 - a. Curb and gutter
 - b. Driveways
 - c. Street paving
 - d. Private Street monuments
 - e. Electroliers (wired underground)
 - f. Drainage facilities
 - g. Signs
 - h. Fire hydrants
11. The private street pavement shall be designed on the basis of a traffic index using predicted traffic generation and a thirty-year pavement design life. In no case shall the traffic index be less than 5.5. Asphalt concrete surfacing to be treated with a seal coat of the type and amount required by the City Engineer. Pavement design sections shall be subject to approval of the City Engineer.
12. Safety lighting is to be provided on the private street. Lights shall utilize "vandal resistant" enclosures and shall have sufficient power and spacing to provide a minimum maintained foot-candle level of 0.12.

13. A signpost, to which is attached a sign having an area of at least fifteen inches by twenty-one inches, is to be installed at or near the private street entrance. The name of the private street is to be placed on this sign in clearly legible four-inch letters. The sign is to have painted, in at least one-inch letters, "Private Property. Not dedicated for public use."
14. Approval of Private Street (PLN2006-00133) shall become effective upon final map approval.